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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARCO DE LA CUESTA,

Plaintiff,

v.

APTTUS CORPORATION, a Delaware
Corporation; DOES I-X, inclusive,

Defendants.

Case No. 2:17-cv-00967-RFP-VCF

**AMENDED STIPULATED DISCOVERY
PLAN AND SCHEDULING ORDER**

**SUBMITTED IN COMPLIANCE
WITH LR 26-1(b)**

<input checked="checked" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL/PARTIES OF RECORD	
JUN 20 2018	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

All parties of record participated in the meeting required under Fed. R. Civ. P. 26(f) and which was held on **June 15, 2018**. Pursuant to Fed. R. Civ. P. 26(f) and LR 26-1(e), the parties do hereby stipulate to the following discovery plan and scheduling order.

1. **Initial Disclosures:** The initial disclosures to be made pursuant to Fed. R. Civ. P. 26(a)(1) have already been made.

2. **Discovery Cut-Off Date(s):** Discovery will take 120 days from **June 15, 2018**, which is the current discovery cutoff date. This means all discovery must be commenced in time to be completed by **October 12, 2018**.

1 3. **Interim Status Report:** The interim status report may be filed no later than **August**
2 **13, 2018**, which is not later than sixty (60) days before the discovery deadline.

3 4. **Amending the Pleadings and Adding Parties:** The last day to file motions to
4 amend pleadings has expired.

5 5. **Fed. R. Civ. P. 26(a)(2) Disclosures (Experts):** The disclosure of experts and
6 expert reports shall occur by **August 13, 2018**, which is not later than sixty (60) days before the
7 discovery deadline. Disclosure of rebuttal experts and their reports shall occur by **September 12,**
8 **2018**, which is not later than thirty (30) days before the discovery deadline.

9 6. **Dispositive Motions:** Dispositive motions may be filed no later than **November 9,**
10 **2018**, which is thirty (30) days after the discovery deadline. In the event that the discovery period
11 is extended from the discovery cut-off date set forth in this Joint Discovery Plan and Scheduling
12 Order, the date for filing dispositive motions shall be extended for the same duration, to be no later
13 than thirty (30) days from the subsequent discovery cut-off date.

14 7. **Settlement:** Settlement cannot be evaluated at this time.

15 8. **Pretrial Order:** The pretrial order shall be filed by **December 7, 2018**, which is
16 not later than thirty (30) days after the date set for filing dispositive motions. In the event
17 dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until thirty
18 (30) days after the decision of the dispositive motions or until further order of the Court. In the
19 further event that the discovery period is extended from the discovery cut-off date set forth in this
20 Joint Discovery Plan and Scheduling Order, the date for filing the joint pretrial order shall be
21 extended in accordance with the time period set forth in this paragraph.

22 9. **Later Appearing Parties:** A copy of this discovery plan and scheduling order shall
23 be served on any person served after it is entered or, if additional defendants should appear, within
24 five (5) days of their first appearance. This discovery plan and scheduling order shall apply to such
25 later appearing party, unless the Court, on motion and for good cause shown, orders otherwise.

26 ~~10. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** LR~~
27 ~~26-4 governs modifications or extensions of this discovery plan and scheduling order. Any~~
28

1 stipulation or motion ~~must be made in accordance with LR 26-4, and not later than twenty-one~~ (21)
2 days before the deadline for which the extension is sought, including the discovery deadline which
3 is **September 21, 2018**. *VPC*

4 11. **Fed. R. Civ. P. 26(a)(3) Disclosures:** The disclosures required by Fed. R. Civ. P.
5 26(a)(3), and any objections thereto, shall be included in the pretrial order.

6 12. The undersigned certify they discussed the possibility of using alternative dispute
7 resolution and considered consenting to trial by a U.S. Magistrate Judge in accordance with Local
8 Rule 26-1(7) and (8).

9 13. The attorneys of record in this matter are registered for electronic filing with this
10 Court. Any documents electronically filed with this Court are deemed to be sufficiently served on
11 the other party as of the date that the document is electronically filed with the Court.

12 14. **Electronic Information:** The parties have had several issues about disclosures or
13 discovery of electronically stored information, including the form or forms in which it should be
14 produced. The parties shall meet and confer and otherwise work in good faith with respect to the
15 production of electronically stored information in an effort to resolve any dispute that may arise.

16 15. **Privileged or Protected Documents:** The Court has entered a stipulated protective
17 order (ECF No. 32).

18 Dated this 15th day of June, 2018.

19
20 MICHAEL J. MORRISON, CHTD.
21 /s/ Michael J. Morrison

22 Michael J. Morrison
23 1495 Ridgeview Dr., Suite 220
24 Reno, NV 89519

25 *Attorney for Plaintiff*
26 *Marco De La Cuesta*

JACKSON LEWIS P.C.
/s/ Phillip Thompson

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Attorney for Defendant
Apttus Corporation

27 **IT IS SO ORDERED**
28 *[Signature]*
U.S. MAGISTRATE JUDGE

DATED: *June 20, 2018*

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ORDER

IT IS SO ORDERED.

United States District/Magistrate Judge

Date: _____